

COMP

MICHAEL MEE, ESQ.

Bar No. 13726

400 S. 4th Street

Las Vegas NV 89101

E-mail: mmee@defenselawyer Vegas.com

Phone: 702-990-0190

Fax: 702-442-9616

Counsel for Plaintiff

UNITED STATES DISTRICT COURT

LAS VEGAS, NEVADA

STEVEN MUSCATELLO, an individual,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, THE STATE OF NEVADA,
THE CLARK COUNTY DISTRICT
ATTORNEY'S OFFICE, ROY TIGHE, an
Individual, DOES 1 Through 10,

Defendants.

Case No.: 2:24-cv-1190

COMPLAINT

COMES NOW, Plaintiff, STEVEN MUSCATELLO, by and through counsel
MICHAEL MEE, ESQ. and for his causes of action against Defendants above named,
complains and alleges as follows:

PARTIES

1. Plaintiff brings this case pursuant to 42 U.S.C. § 1983, 1988, and Nevada state
law. Jurisdiction is based upon 28 U.S.C. § 1331, 1343. Supplemental

jurisdiction exists over any state claims and Defendants pursuant to 28 U.S.C. § 1367.

2. This claim arises from the acts of those defendants, against Plaintiff, as took place within the County of Clark, State of Nevada, therefore the United States District Court of Nevada, Las Vegas, is the appropriate venue.

3. That at all times mentioned herein, Plaintiff, STEVEN MUSCATELLO (“MUSCATELLO”) was as resident of Clark County, Nevada and/or availed himself of that jurisdiction by his personal presence at the time of these events.

4. Plaintiff alleges that Defendant Clark County District Attorney’s Office is a subdivision of the State of Nevada, is a duly constated State entity, and is or was the employer of all individuals named as Defendants herein, but not limited thereto, who are each named and sued in their individual and official capacities, as well as DOE Individuals 1 through 10.

5. Plaintiff alleges that Defendant Las Vegas Metropolitan Police Department is a subdivision of the State of Nevada, is a duly constated State entity, and is or was the employer of all individuals named as Defendants herein, but not limited thereto, who are each named and sued in their individual and official capacities, as well as DOE Individuals 1 through 10.

6. Plaintiff alleges that the State of Nevada, a State entity, is or was the employer of other individuals named as Defendants herein, but not limited thereto, who

1 are each named and sued in their individual and official capacities, as well as
2 DOE Individuals 1 through 10.

3 7. Plaintiff alleges that Defendant ROY TIGHE (“Tighe”) was at all times material
4 herein acting under color of law, within the scope of his employment as an
5 officer of Las Vegas Metropolitan Police Department, and is being sued
6 individual and in his official capacity.
7

8 8. The identities, capacities, and/or nature of the involved DOE DEFENDANTS 1
9 through 10 ("Doe Defendants") are presently unknown to Plaintiffs. Plaintiffs
10 therefore sue such persons using "Does" as fictitiously-named. defendants.
11 Plaintiff is informed and believes, and there upon alleges that there is likely to
12 be evidentiary support to prove that each Doe Defendant was involved in some
13 manner and legally responsible for the acts, omissions., and or breaches of duty
14 alleged below. Plaintiff will amend this Complaint to name these Doe
15 Defendants upon learning their true identities and roles.
16

17 9. All the facts, acts, omissions, events and circumstances herein mentioned and
18 described occurred in Clark County, State of Nevada, and the Defendants and
19 each of them are residents of the same, and/or have their principle place of
20 employment/business in said County and State, and or were doing business in
21 said County and State.
22

23 10. Plaintiff is informed, believes, and alleges that all Defendants were at all times
24 relevant to this Complaint acting within the course and scope of their
25
26
27
28

1 employment, under color of law, and Defendants' actions were known to each
2 other, and to the Defendants, State, and Organization(s), through their policy
3 makers, decision makers, officials, officers, and/or supervisors, including
4 Defendants named herein and DOE Defendants to be identified.

5 11. Plaintiff is informed and believes that officials, supervisors, policy makers, and
6 other individuals with the authority to modify county, state, or departmental
7 policy of the Defendants, and/or DOE Defendants, participated in, approved of,
8 or ratified and/or failed to prevent the acts by all Defendants and DOE
9 Defendants of which Plaintiff complains herein.

10 12. Plaintiff is informed, believes, and thereupon alleges that at all times herein
11 mentioned, each of the Defendants - including officials, supervisors, watch
12 commanders, and other policymakers from Defendants and/or Doe Defendants
13 and their agents - was the agent, employee, or co-conspirator of one another,
14 some, or all of their Co-Defendants. Plaintiff is informed, believes, and
15 thereupon alleges that each of the Defendants, acting individually and/or in
16 concert with each other, engaged in a common plan to wrongfully deprive
17 Plaintiff of his respective rights to privacy, freedom of expression, security in
18 person and effects, freedom from excessive force, freedom from unreasonable
19 searches and seizures, and due process of law, among others described herein.

20 13. That each and all of the things done by each Defendant against Plaintiff, as
21 mentioned in this entire Complaint, were done, partially if not entirely, because
22
23
24
25
26
27
28

1 of Plaintiff's expressive conduct. In doing each and all of the things herein
2 mentioned, or neglecting or intentionally failing to rectify said misconduct, each
3 and all Defendants were acting pursuant to a de facto policy and within the scope
4 of such agency, employment, and conspiracy and with full permission,
5 knowledge, approval, ratification, and support of each other.
6

7 **FACTS COMMON TO ALL CAUSES OF ACTION**

- 8 14. Plaintiff repeats and realleges and incorporates all prior allegations as if set forth
9 fully herein.
- 10 15. Defendant Roy Tighe is employed with the Las Vegas Metropolitan Police
11 Department, serving as a field training officer at Spring Valley Area Command
12 at the time of the underlying events.
- 13 16. At the time of the underlying events, he had been with the department for a little
14 over six years.
- 15 17. During patrol on May 5, 2022, Officer Tighe observed a recreational vehicle
16 (“RV”) parked near the north side of Potosi Park in Clark County, Nevada.
- 17 18. That for no apparent reason, Tighe decided to investigate this vehicle and flipped
18 around and ran the vehicle’s plates.
- 19 19. That the information came back as noting a Ford-related recreational vehicle
20 associated with that license plate.
21
22
23
24
25
26
27
28

1 20. That Tighe visually surveilled the vehicle from the perimeter, and noted it was
2 marked as a Winnebago. Officer Tighe claims not to know whether Winnebago
3 has any relationship with Ford.

4 21. That in fact, as Officer Tighe knew or reasonably should have known,
5 Winnebago's Ford recreational vehicles are common and thus these details
6 provided no grounds for criminal suspicion.

7 22. That nevertheless, Tighe decided to "see if anyone was in it" because it was in
8 "close proximity" to a public park.

9 23. Officer Tighe walked up, knocked on the vehicle, and peered inside the vehicle.
10 By doing so, he allegedly saw the Plaintiff walking inside the RV.

11 24. That the RV he was investigating belonged to, and was occupied by, Plaintiff
12 Steven Muscatello.

13 25. Officer Tighe ordered Plaintiff to exit the vehicle because he was not sure "how
14 many other people were inside, or whether it was a stolen vehicle, or what he
15 was doing" close to the park.

16 26. That, given Tighe had no legal cause to temporarily seize the occupant or the
17 vehicle, Plaintiff declined to voluntarily exit the vehicle.

18 27. That based solely upon this chain of events, the Officer got on the radio and
19 asked for backup units.

20 28. That Plaintiff exited the vehicle and was filming the officer.
21
22
23
24
25
26
27
28

1 29. After exiting the vehicle, Plaintiff “walked around to the front. He showed me
2 that it had Ford emblems on it. I can’t remember if it was at that time, or after I
3 told him I was wrong and it wasn’t cold plated.”

4 30. That despite this Officer Tighe told Plaintiff he was not free to go and accused
5 Plaintiff of “loitering near the park.”

6 31. That Officer Tighe then demanded that Plaintiff identify himself.

7 32. Officer Tighe testified that “I knew that I had mistaken the plates on the vehicle”
8 and that Officer Tighe was imagining some unnamed individual with “violent
9 tendencies” that for unknown reasons was “possibly [Plaintiff].”

10 33. Officer Tighe testified that he “asked [Plaintiff] for his wallet” and that Plaintiff
11 “said he won’t do it because [Tighe] was unlawfully stopping him.”

12 34. Officer Tighe testified that during this entire interaction, despite his claim while
13 testifying that he was concerned about loitering, that he had not asked Plaintiff
14 about his presence at this location during this entire interaction, testifying “I
15 don’t think we had gotten [to that topic] yet.”

16 35. Officer Tighe admitted on cross-examination that he could have easily moved
17 to the front and observed the vehicle was a Ford Ecoline which matched the
18 plates report.

19 36. Officer Tighe testified that before he arrested Plaintiff and put him in handcuffs,
20 he had already realized he made a mistake, and that the vehicle was not “cold
21 plated” but in fact matched the plates reported.

1 37. Officer Tighe admitted that prior to arresting and handcuffing Plaintiff, he had
2 not even asked for ID at that point.

3 38. Officer Tighe admitted before he initiated the stop he had been in the area for
4 less than 15 minutes.

5 39. Officer Tighe admitted he did one lap around before stopping the RV, and that
6 it was a normal day with people around the park doing stuff, with baseball games
7 going on.

8 40. Officer Tighe admitted that at no point prior to arresting Plaintiff did he try to
9 ascertain what Plaintiff was doing near the park nor did he ask Plaintiff his
10 identification.

11 41. That Officer Tighe issued a citation for this event.

12 42. That on June 30, 2022, the Citation was prosecuted and brought to trial by the
13 State of Nevada and the Clark County District Attorney's Office.

14 43. That at no point prior to or during trial did the Defendants volunteer to dismiss
15 this action, and instead, the prosecuted Plaintiff for allegedly loitering and
16 obstructing justice, putting him at jeopardy of criminal penalty.

17 44. That at the close of the hearing, the Judge overseeing the bench trial in the Las
18 Vegas Justice Court found that the State had failed to meet its burden as to either
19 of the charged offenses.

1 45. That Plaintiff was found not guilty because in truth and in fact he was not guilty,
2 nor did the Defendants believe, or reasonably believe, that he was guilty of any
3 criminal offense, based upon the Officer's reports, body camera, and testimony.

4 46. That as a result of the harassment, detention, arrest, imprisonment, and
5 subsequent prosecution of the Plaintiff, Plaintiff has suffered damages
6 proximately caused by the defendants, including a violation of his civil rights,
7 loss of freedom of movement, loss of freedom of expression, violation of his
8 First Amendment rights to film the law enforcement officers, loss of fourth
9 amendment rights to be free from unreasonable seizures, searches, and
10 warrantless arrests, loss of privacy, loss of personal liberty, humiliation,
11 emotional and physical injury, pain and suffering, and mental anguish.
12

13 47. Plaintiff continues to suffer and endure substantial pain and suffering as a result
14 of these events, including ongoing mental anguish.
15

16 **FIRST CLAIM FOR RELIEF**

17 **Violation of Civil Rights – First and Fourteenth Amendment (All**

18 **Defendants)**

19 48. Plaintiff incorporates all prior allegations as if set forth fully herein.
20

21 49. This cause of action arises under 42 USC 1983, wherein Plaintiff seeks to redress
22 a deprivation, under color of law, of his rights, privileges, immunities, secured
23 to him by the First, Fourth, Fifth, Eighth, and Fourteenth Amendments to the
24 United States Constitution.
25
26
27
28

1 50. That the First Amendment guarantees Plaintiff's freedom of speech, including
2 his ability to record law enforcement officers in the course of their duties,
3 including Plaintiff's ability to be lawfully present in a public place, to wit,
4 adjacent to a public park on the public street when engaged in no criminal
5 conduct.

6
7 51. That the acts set forth herein, including retaliating against Plaintiff for filming
8 law enforcement, for harassing Plaintiff due to his mere lawful presence in a
9 public place, arresting Plaintiff to prevent him from filming law enforcement,
10 and thereafter retaliating against Plaintiff by charging him and prosecuting him
11 for asserting these rights, deprived Plaintiff of his First Amendment rights, and
12 further chilled and deterred such free expression of the same in violation of that
13 Amendment.

14
15 52. That acting with malice and oppression, the Defendants acted to deliberately
16 intimidate, silence, and prevent Plaintiff from filming their unlawful conduct, in
17 violation of that Amendment, and thereafter retaliated against Plaintiff for the
18 exercise of those rights.

19
20 53. That as a result of this deprivation, Plaintiff has suffered damages proximately
21 caused by the defendants, including a violation of his civil rights, loss of freedom
22 of movement, loss of freedom of expression, violation of his First Amendment
23 rights to film the law enforcement officers, loss of fourth amendment rights to
24 be free from unreasonable seizures, searches, and warrantless arrests, loss of
25 be free from unreasonable seizures, searches, and warrantless arrests, loss of
26
27
28

1 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain
 2 and suffering, and mental anguish and that Plaintiff's damages exceed
 3 \$1,000,000.00.

4 **SECOND CLAIM FOR RELIEF**

5 **Violation of Civil Rights – Fourth, Fifth, and Fourteenth Amendments** 6 **against all Defendants**

7
 8 54. Plaintiff incorporates all prior allegations as if set forth fully herein.

9 55. This cause of action arises under 42 USC 1983, wherein Plaintiff seeks to redress
 10 a deprivation, under color of law, of his rights, privileges, immunities, secured
 11 to him by the Fourth, Fifth, and Fourteenth Amendments to the United States
 12 Constitution.
 13

14 56. That the Fourteenth Amendment guarantees due process and the privileges and
 15 immunities of citizens of the United States to Plaintiff.

16 57. That the Defendants actions shock the conscience and deprive Plaintiff of
 17 substantive due process and of his privileges and immunities as a citizen of the
 18 United States.
 19

20 58. That Defendants violated the Plaintiff's right to be free from unreasonable and
 21 warrantless seizures of his property and person, to wit, by knowingly detaining
 22 the Defendant without legal cause.
 23

24 59. That Defendant Tighe knowingly arrested and detained the Plaintiff despite
 25 learning that he had made a mistake about the vehicle's plates.
 26
 27
 28

1 60. That Defendant Tighe knowingly invented a pretext of loitering to arrest
2 Plaintiff to attempt to cover-up this mistake and Tighe's wrongful conduct
3 towards Plaintiff.

4 61. That Defendant Tighe had no cause to execute a stop or investigation in the first
5 place, as Tighe knew or was reasonably required to know that the
6 Ford/Winnebego was properly plated.

7
8 62. That, further, Defendant Tighe unlawfully ordered Plaintiff to exit his vehicle
9 and to permit Tighe to search Plaintiff's wallet, where Defendant Tighe knew or
10 reasonably was required to know that such orders were unlawful and were
11 retaliatory.

12
13 63. That even if Defendant Tighe was not legally required to avoid this alleged
14 "mistake," Tighe has admitted that he could have easily checked (and in fact,
15 did so check) the make/model of the vehicle *prior to* unlawfully arresting
16 Plaintiff and citing him for alleged criminal offenses.

17
18 64. That Tighe knowingly and intentionally cited Defendant, without legal cause or
19 any degree of reasonable suspicion of any criminal conduct, in retaliation for
20 Defendant's lawful exercise of his constitutional rights as outlined herein.

21 65. That Defendants acted with malice and oppression by intimidating plaintiff,
22 battering him, unlawfully detaining his vehicle, unlawfully detaining his person,
23 unlawfully arresting him, charging him upon fabricated criminal charges, and
24 wrongfully and maliciously prosecuting the Defendant, under color of law.
25
26
27
28

1 70. That there was no probable cause to prosecute the Plaintiff, and that Defendants
2 acted with malice when causing the Plaintiff to be cited, charged, and prosecuted
3 for these fabricated charges.

4 71. That the prior criminal proceeding was terminated on June 30, 2022 when the
5 Plaintiff was found not guilty of all charges following a bench trial.

6
7 72. That as a result of this deprivation, Plaintiff has suffered damages proximately
8 caused by the defendants, including a violation of his civil rights, loss of freedom
9 of movement, loss of freedom of expression, violation of his First Amendment
10 rights to film the law enforcement officers, loss of fourth amendment rights to
11 be free from unreasonable seizures, searches, and warrantless arrests, loss of
12 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain
13 and suffering, and mental anguish and that Plaintiff's damages exceed
14 \$1,000,000.00.
15

16 **FOURTH CLAIM FOR RELIEF**

17
18 Violation of Civil Rights 42 USC 1983 - **Fourth, Fifth, and Fourteenth**
19 **Amendments against all Defendants (Specific Wrongful Searches and**
20 **Seizures)**

21 73. Plaintiff incorporates all prior allegations as if set forth fully herein.

22 74. Defendant's unlawful seizures occurred in multiple instances, to wit: (1)
23 detaining the vehicle by knocking on the door; (2) by ordering Plaintiff to exit
24 the vehicle; (3) by detaining Plaintiff after learning the plates were correct; (4)
25
26
27
28

1 by demanding Plaintiff identify himself after learning the plates were correct
 2 and there was no criminal suspicion; (5) by ordering Plaintiff to turn over his
 3 wallet to law enforcement; (6) by handcuffing, detaining, arresting Plaintiff's
 4 person; (7) by taking and searching Plaintiff's wallet; (8) seizing and searching
 5 the RV; (9) other acts as outlined herein.

6
 7 75. That as a result of this deprivation, Plaintiff has suffered damages proximately
 8 caused by the defendants, including a violation of his civil rights, loss of freedom
 9 of movement, loss of freedom of expression, violation of his First Amendment
 10 rights to film the law enforcement officers, loss of fourth amendment rights to
 11 be free from unreasonable seizures, searches, and warrantless arrests, loss of
 12 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain
 13 and suffering, and mental anguish and that Plaintiff's damages exceed
 14 \$1,000,000.00.
 15

16 **FIFTH CLAIM FOR RELIEF**

17
 18 Violation of Civil Rights 42 USC 1983 - **Fourth, Fifth, Eighth and**
 19 **Fourteenth Amendments against all Defendants (Excessive Force and**
 20 **Cruel and Unusual Punishment)**

21 76. Plaintiff incorporates all prior allegations as if set forth fully herein.

22
 23 77. Defendants engaged in excessive force and cruel and unusual punishment by
 24 physically battering, arresting, handcuffing, and/or jailing the Plaintiff, with
 25
 26
 27
 28

1 excessive force, without lawful basis, in knowing violation of Plaintiff's rights
2 set forth herein,

3 78. That as a result of this deprivation, Plaintiff has suffered damages proximately
4 caused by the defendants, including a violation of his civil rights, loss of freedom
5 of movement, loss of freedom of expression, violation of his First Amendment
6 rights to film the law enforcement officers, loss of fourth amendment rights to
7 be free from unreasonable seizures, searches, and warrantless arrests, loss of
8 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain
9 and suffering, and mental anguish and that Plaintiff's damages exceed
10 \$1,000,000.00.
11

12 **FIFTH CLAIM FOR RELIEF**

13 Violation of Civil Rights 42 USC 1983, 1988 – **Conspiracy to Violate Civil**
14 **Rights**
15

16 79. Plaintiff incorporates all prior allegations as if set forth fully herein.
17

18 80. This cause of action arises under 42 U.S.C. §§ 1983 and 1988, wherein Plaintiff
19 seeks to redress a deprivation under color of law of a right, privilege, or
20 immunity secured to them by the First, Fourth, and Fourteenth Amendments to
21 the United States Constitution. Defendants, and each of them, acted as described
22 herein above, in conspiracy with, and with the agreement, permission,
23 ratification, and approval of each other, to violate Plaintiff's civil rights afforded
24 under the United States Constitution.
25
26
27
28

1 81. Among other things, the Deputies acted in conspiracy and with the agreement,
2 permission, ratification, and approval of their joint conduct to: (1) Unlawfully
3 detain Plaintiff; without probable cause or reasonable suspicion; (2) Unlawfully
4 conduct a prolonged detention of Plaintiff without probable cause or reasonable
5 suspicion; (3) Unlawfully search Mr. Gray without probable cause or reasonable
6 suspicion; (4) to fabricate false evidence to cover up the wrongful conduct
7 towards Plaintiff; (5) to prosecute, with malice, or to cause Plaintiff to be
8 prosecuted, without probable cause, without any reasonable belief in the
9 probable cause of the charged offenses against Plaintiff.
10 probable cause of the charged offenses against Plaintiff.

11 82. That all Defendants, as to each other cause of action alleged herein, conspired
12 and acted in concert together to commit each cause of action, or are liable under
13 theories of liability specifically set forth herein, or else ratified that actions of
14 Officer Tighe by taking further unlawful action against Plaintiff, to wit, by
15 continuing to maliciously and unlawfully prosecute the Plaintiff until such
16 dismissal was obtained on June 30, 2022.
17 dismissal was obtained on June 30, 2022.

18 83. That as a result of this deprivation, Plaintiff has suffered damages proximately
19 caused by the defendants, including a violation of his civil rights, loss of freedom
20 of movement, loss of freedom of expression, violation of his First Amendment
21 rights to film the law enforcement officers, loss of fourth amendment rights to
22 be free from unreasonable seizures, searches, and warrantless arrests, loss of
23 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain
24 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain
25 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain
26 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain
27 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain
28 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain

and suffering, and mental anguish and that Plaintiff's damages exceed \$1,000,000.00.

SIXTH CLAIM FOR RELIEF

Violation of Civil Rights 42 USC 1983, - **Unconstitutional Policy, Custom, and/or Procedures**

84. Plaintiff incorporates all prior allegations as if set forth fully herein.

85. This cause of action arises under 42 U.S.C. §§ 1983 and 1988, wherein Plaintiff seeks to redress a deprivation under color of law of a right, privilege, or immunity secured to them by the First, Fourth, and Fourteenth Amendments to the United States Constitution. Defendants, and each of them, acted as described herein above, in conspiracy with, and with the agreement, permission, ratification, and approval of each other, to violate Plaintiff's civil rights afforded under the United States Constitution.

86. Defendants violated Plaintiff's constitutional rights, as alleged supra, by creating and maintaining the following unconstitutional customs and practices, inter alia:

- (i) Plaintiff alleges that Defendants has a de facto policy, custom, and/or practice of harassing, intimidating, and threatening to arrest and arresting persons who exercise their First Amendment rights of freedom of expression;
- (ii) Plaintiff alleges that Defendants has a de facto policy, custom, or practice of inadequately investigating their police officer employees upon complaints of misconduct or claims for damages involving police misconduct;

1 (iii) Plaintiff alleges that Defendants has a de facto policy, custom, or practice
2 of failing to discipline, failing to investigate, and of retaining, personnel who
3 falsely detain persons in violation of constitutional rights;

4 (iv) Plaintiff alleges that Defendants has a de facto policy, custom, or practice
5 of condoning, ratifying, failing to discipline, failing to investigate, and retaining
6 personnel involved in such conduct.
7

8 87. Defendants' policies or customs caused and were the moving force and/or
9 affirmative link behind some or all of the violations of Plaintiff's constitutional
10 rights at issue in this case.

11 88. Plaintiff is informed, believes, and thereupon alleges that these policies,
12 practices, customs, and procedures are intentional and/or the result of deliberate
13 indifference on the part of Defendants by and through its decision makers.
14

15 89. The foregoing unconstitutional customs and practices were a direct and legal
16 cause of harm to Plaintiff.
17

18 90. Plaintiff specifically alleges that Defendants' policy, custom, and/or practices,
19 as described herein, were within the control of Defendants and within the
20 feasibility of Defendants to alter, adjust, and/or correct so as to prevent some or
21 all of the unlawful acts and injury complained of herein by Plaintiff.
22
23
24
25
26
27
28

SEVENTH CLAIM FOR RELIEF

**Violation of Civil Rights 42 USC 1983, - Failure to Train, Discipline,
Correct, or Supervise Officers and/or Prosecutors**

91. Plaintiff incorporates all prior allegations as if set forth fully herein.
92. Defendants violated Plaintiff's constitutional rights, as alleged supra, by creating and maintaining the following unconstitutional customs and practices, inter alia:
- (i) Plaintiff is informed, believes, and thereupon alleges that Defendants have ample reason to know, based upon arrest reports, claims for damages, inter alia, that LVMPD officers and/or employees regularly engage in the misdeeds set forth in this entire complaint; (ii) Plaintiff is informed, believes, and thereupon alleges that Defendants have failed to properly train, supervise, and/or discipline employees, officers, managers, and supervisors within the LVMPD as to the legal requirements and protections applicable to persons as set forth in the United States and Nevada Constitutions, and other laws; and (iii) Plaintiff alleges that these failures amount to a de facto policy and are intentional and/or the result of deliberate indifference on the part of Defendants, by and through its decision makers.
93. These include, but are not limited to, Defendants and their subordinates, as necessary to further these improper policies, practices, customs, and procedures. The foregoing unconstitutional customs and practices were a direct and legal

1 cause of harm to Plaintiff. Defendants acted in a supervisory capacity with
2 respect to the incidents involving Plaintiff.

3 94. In that capacity, Defendants acted intentionally, maliciously, in conscious
4 disregard, and/or with deliberate indifference to the rights of Plaintiff. Plaintiff
5 is informed, believes, and thereupon alleges that Defendants acted in this
6 manner, at least in part, to avoid liability and financial exposure for the LVMPD
7 and to maintain their reputation and the reputation of the LVMPD or the Clark
8 County District Attorney's Office.
9

10
11 This version corrects the spacing and replaces the specified names and
12 references as requested.
13

14 95. Plaintiff specifically alleges that Defendants' policy, custom, and/or practices,
15 as described herein, were within the control of Defendants and within the
16 feasibility of Defendants to alter, adjust, and/or correct so as to prevent some or
17 all of the unlawful acts and injury complained of herein by Plaintiff.
18

19 96. That as a result of this deprivation, Plaintiff has suffered damages proximately
20 caused by the defendants, including a violation of his civil rights, loss of freedom
21 of movement, loss of freedom of expression, violation of his First Amendment
22 rights to film the law enforcement officers, loss of fourth amendment rights to
23 be free from unreasonable seizures, searches, and warrantless arrests, loss of
24 privacy, loss of personal liberty, humiliation, emotional and physical injury, pain
25
26
27
28

1 and suffering, and mental anguish and that Plaintiff's damages exceed
2 \$1,000,000.00.

3 **SEVENTH CLAIM FOR RELIEF**

4 **For Infliction of Emotional Distress**

5 97. Plaintiff incorporates all prior allegations as if set forth fully herein.

6 98. That the events and conduct described herein constitutes extreme and outrageous
7 conduct by all defendants.
8

9 99. The defendants intended to cause, or acted with reckless disregard of causing,
10 emotional distress.
11

12 100. As a proximate result of such conduct, Plaintiff suffered severe or extreme
13 emotional distress, causing him damages to be established at the time of a trial
14 in this matter.

15 **EIGHTH CLAIM FOR RELIEF**

16 **Assault and Battery**

17 101. Plaintiff incorporates all prior allegations as set forth fully herein.

18 102. That the events and conduct described herein constitute extreme and outrageous
19 conduct by all defendants.
20

21 103. Defendants made an intentional attempt to threaten Plaintiff with bodily harm
22 through their actions and conduct.
23

24 104. Defendants had the ability to cause Plaintiff harm at the time of the threat.
25
26
27
28

1 105. Plaintiff had reasonable apprehension that physical harm or violence was
2 imminent due to Defendants' actions.

3 106. Defendants engaged in intentional touching or use of force upon Plaintiff's
4 person.

5 107. The touching or use of force by Defendants was harmful or offensive in manner.

6 108. Plaintiff did not consent to being touched or subjected to force by Defendants.

7 109. As a proximate result of such conduct, Plaintiff damages to be established at the
8 time of a trial in this matter.
9

10 **WHEREFORE**, Plaintiff prays for judgment as follows:

- 11 1. For compensatory damages to Plaintiff, including general and special damages;
12 2. For punitive damages;
13 3. For statutory damages;
14 4. For prejudgment interest;
15 5. For reasonable attorney's fees and costs;
16 6. For any other relief which is just and proper;
17 7. Where total monetary damages sought exceeds \$1,000,000.00 as more fully set
18 forth herein, in an amount to be determined at the time of trial.
19
20

21 DATED this 28th day of June, 2024

22 /s/ Michael Mee, Esq.
23 **MICHAEL MEE, ESQ**
24 Nevada Bar #13726
25 400 S. 4th Street #500
26 Las Vegas NV 89101
27
28